



OFFICIAL OPENING OF MASIG (YORKE) ISLAND MAGISTRATES COURT

**Wednesday 30 January 2008 at 10.00 am
Community Meeting Place, Masig Island**

**Judge Marshall Irwin
Chief Magistrate**

I acknowledge the traditional owners and custodians of the land on which we gather. I thank the Chairperson of the Masig Island community and the Chair of the Community Justice Group for their presence here today. I thank all of you who have attended. I am happy to be here today with Magistrate Trevor Black on this significant occasion – the official opening of the Masig Island Magistrates Court.

Thankyou for your warm welcome and the inspirational opening prayer. I also thank you for your presentation of the Masig Island Law Stone. You can be assured that our court will honour this important symbol of justice. The Regional Justice Agreement between the residents of the Torres Strait and the Queensland Government identified the need for the Torres Strait Islander people to have increased participation in the administration of justice, including the development of their own solutions for local justice issues.

Torres Strait Island communities have unique histories and circumstances. As a result, the kind of programs that may work in other Queensland communities are not always likely to work in Torres Strait Island communities.

The establishment of this court from today will create a link between it and the Masig Island Community. It is a positive initiative which will present this community with an opportunity to work cooperatively with the court to develop innovative and productive sentencing options which are appropriate to the community. This has been facilitated by additional funding provided by the Queensland Government and the support provided by the Masig Island community.

In the last state budget the government funded the position of an additional magistrate to be appointed to Cairns to enable our court to spend more time on circuit in the Torres Strait and Cape York.

As a result on 19 December 2007 Magistrate Black and I visited Masig Island to speak to community representatives with a view to determining the attitude to holding a court here. We talked at your meeting place. Those present included the Deputy Council chairperson, Mr Douglas Billie, Mr Joe Mosby and Sergeant and Pastor Ned Mosby. All who were present wholeheartedly supported our court being held in this community.

As a result today is the first of three visits of our court to the community during this year.

During our visits here we will be applying a principle in the Queensland sentencing legislation that requires the court to consider relevant submissions from local Community Justice Groups, including elders and respected persons when sentencing Torres Strait Islander offenders.

As we have found in other parts of Queensland the involvement of elders and respected persons in the court process:

- assists the offender to understand the process;
- assists the magistrate to understand cultural issues;
- assists the magistrate to decide on a sentence that is most appropriate; and
- acts as a connection between the court and the local community.

Importantly it will reduce the need for residents of this community to undertake expensive and often perilous journeys to Thursday Island and Badu Island to appear at the Magistrates Court. It is also hoped that it will reduce the number of warrants that are required to be issued to ensure that residents who are charged with offences attend court.

It will also mean that no longer will persons return to this Island after being sentenced with the result that your community does not know what has happened in the court.

This is because members of your community will have an opportunity to attend court and hear and see what has happened

or at least they will be able to hear about it from people who were there.

In cases where an offender is sentenced to undertake community service, this will be performed in the community. The penalty will therefore be visible to members of the community. As the Pastor said in his opening prayer, *your people will see what justice is*. In this way the court will be an effective mechanism for increasing participation and ownership by the community in the criminal justice process.

In future it is also hoped that we can supplement this with the use of video-conferencing facilities to link your Island with the Thursday Island Court so that your residents will no longer need to leave this Island for adjournments and bail applications.

To borrow a term from the Torres Strait Justice Negotiation Table I am optimistic that the opening of the Masig Island Magistrates Court will be a *New Dawn* for the delivery of open accessible justice to your community and to the Torres Strait.

An event such as this is always the result of the contribution by many people. Because it is difficult to single out individuals I would simply like to congratulate and thank everyone who has been involved in the effort which has culminated in the opening of this court.

In particular I would like to thank the Masig Island community for supporting the opening of this court.

I would also like to recognise the support of the Queensland Police Service and the Aboriginal and Torres Strait Island Legal Service which are represented here today by Sergeant Noble and Mr Morton respectively. This support is also demonstrated by the Department of Corrective Services through the presence of Mr Keilbour to assist the court and any persons admitted to probation or community service.

This momentous day is also the culmination of the passion and commitment of Magistrate Black to the extension of court circuits throughout the Torres Strait. I am glad that his vision has been fulfilled.

I would also like to thank Ms Francesca Adams, the Regional Indigenous Adviser and Mr Ricky Grice, the Thursday Island Magistrates Court registrar for their role in the establishment of this court. Mr Rob White, the Regional Services Manager for this area has also played an important role.

I can assure you that with your support the magistracy will continue to work hard at making the legal system accessible to the people of your community and to other Torres Strait communities.